

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

Howard J. Miller, et al.) Civil Action No. 1:20-cv-00132-DMT-CRH
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)
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Plaintiffs,)
)
v.)
)
Juárez Cartel, a/k/a Vicente Carrillo)
Fuentes Organization (a/k/a “CFO”),)
a/k/a La Línea.)
)
Defendant.)

**DECLARATION OF JOHN M. EUBANKS IN SUPPORT OF THE *MILLER*
PLAINTIFFS’ SUPPLEMENTAL MEMORANDUM IN SUPPORT OF THEIR
APPLICATION FOR ATTORNEY’S FEES AND COSTS**

I, JOHN M. EUBANKS, declare, under penalty of perjury, as follows:

1. I am an attorney admitted to practice in the above-captioned matter and Member Attorney with the law firm Motley Rice LLC, counsel for the *Miller* Plaintiffs before this Court.
2. I submit this declaration in support of the *Miller* Plaintiffs’ Application for Attorney’s Fees and Costs.
3. The sources of my information and the basis for my belief in the statements contained herein are my personal involvement in this matter, my firm’s representation of the *Miller* Plaintiffs before this Court, and my tenure with Motley Rice LLC where I have been employed as an attorney since 2004. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

4. Motley Rice LLC incurred expenses in this litigation beginning in December 2019—one month after the horrific events giving rise to this litigation—through April 2022.

5. Exhibit F to the Declaration that I submitted on May 13, 2022 included a summary of expenses incurred by Motley Rice LLC during the period of December 2019 through April 2022 broken into various categories.

6. The first category of Court Costs and Filing Fees including the filing fees for the litigation along with fees associated with applications for attorneys in this case to appear *pro hac vice* before the Court.

7. The second category, “Estate and Family Court Work”, involved the establishment of estates for certain of the decedents in this litigation to allow them to be represented in this case by their duly-appointed representatives.

8. Experts & Consultants (Including Mexican Co-Counsel) included fees paid by Plaintiffs’ counsel for the preparation of expert witness reports by Dr. Sebastian Schubl, Dr. Donna Schuurman, and Stan V. Smith—all of which were presented to the Court as exhibits in the trial—and also for the expert-witness testimony provided by Dr. Sebastian Schubl (by video) and Dr. Donna Schuurman (in person) during the damages trial between February 7, 2022 and February 10, 2022. These expenses also included fees paid to consulting experts who assisted in the investigation conducted by Plaintiffs’ counsel into the events and actors engaged in the attacks against the Plaintiff families. This also included fees paid to Mexican co-counsel who were integral in obtaining documents with the appropriate apostilles from the Mexican government and interacting with Mexican officials in obtaining cooperation in obtaining the necessary evidentiary facts to be presented to the Court.

9. The expenses for Medical Records involved obtaining medical records to provide to experts who were assessing the grief and emotional distress of certain of the Plaintiffs in this litigation.

10. Miscellaneous expenses involved an expense incurred by Plaintiffs' counsel in meeting with the Attorney General of Mexico related to this case.

11. Online Research included expenses related to the use of LexisNexis, Westlaw, PACER, and other online subscription tools to conduct legal research related to Plaintiffs' claims and to assist counsel in prosecuting this case before the Court.

12. Postage & Delivery includes primarily Federal Express expenses related to trial materials being sent to North Dakota given the volume of materials submitted to the Court as evidence and the need for multiple copies of each of the items.

13. Motley Rice incurred Printing and Scanning costs related to the voluminous documentation generated during this case and the need to prepare sufficient materials to allow the smooth conduct of the trial before this Court.

14. Reference materials included the purchase of books and other research materials to assist in understanding the inner-workings of the Defendant's criminal enterprise.

15. Because Plaintiffs needed to effectuate service of process in this case on the Defendant via publication, the expenses for this service of process have been provided to the Court as well.

16. Telephone charges—including conference-call charges and long-distance charges were assessed as well.

17. The category of Translations included the fees charged by interpreters to permit counsel to speak with Mexican-government officials including Mr. Baeza who testified at trial.

These expenses also included the task of translating the Mexican-government documents into English for presentation to the Court. This also includes the simultaneous translation provided on the record during the trial for Mr. Baeza's trial testimony.

18. Travel expenses including lodging, meals, mileage, and other similar expenses that would customarily be charged to clients by Motley Rice.

19. Finally, the category of Trial Expenses included those expenses incurred to present the week-long case to the Court including obtaining a "war room" from which Motley Rice LLC and Mitchell & Mitchell LLC operated in preparing for, and presenting, their case before this Court along with other incidental trial expenses.

20. Each of the enumerated expenses included on Plaintiffs' Summary of Expenses Incurred by Motley Rice LLC fall into categories of expenses that are customarily charged to clients by Motley Rice LLC in the ordinary course of business.

21. Should the Court request, Motley Rice LLC is prepared to submit—under seal—a detailed listing of each expense included within the Summary of Expenses previously submitted as Exhibit F to the May 2022 Eubanks Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 29, 2022

/s/ John M. Eubanks
John M. Eubanks